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## FISCAL IMPACT REPORT

SPONSOR Ingle DATE TYPED 2/9/05 HB \_\_\_\_\_

SHORT TITLE Additional Ninth District Judge SB 379

ANALYST McSherry

### APPROPRIATION

| Appropriation Contained |         | Estimated Additional Impact |      | Recurring or Non-Rec | Fund Affected |
|-------------------------|---------|-----------------------------|------|----------------------|---------------|
| FY05                    | FY06    | FY05                        | FY06 |                      |               |
|                         | \$312.4 |                             |      | Recurring            | General Fund  |

(Parenthesis ( ) Indicate Expenditure Decreases)

Senate Bill 379 relates to other bills proposing to increase the number of judgeships at certain courts: SB 26, Additional Guadalupe District Magistrate, HB 476 Additional Santa Fe Magistrate Judge, SB 25, Additional 4<sup>th</sup> District Judge.

### SOURCES OF INFORMATION

LFC Files  
 Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 379 appropriates \$312.4 thousand from the general fund to the Ninth Judicial District Court for the purpose of creating an additional judgeship, to the existing three judges, and funding the support staff associated with the additional judgeship. The bill proposes to fund: salaries, benefits, furniture, supplies, and equipment for the proposed district judge and support staff. Any unexpended or unencumbered balance remaining at the end of the fiscal year 2006 shall revert to the general fund. The effective date of this Act is July 1, 2005.

#### Significant Issues.

In November 1998, the judiciary updated a “weighted caseload study” which was designed to provide a methodology for determining the distribution of needs for additional judgeships. This type of study assigns a weight, expressed in minutes, for each type of case heard in a court. The weight represents the average amount of judge’s time found to be necessary to process a case of

a particular type. Each weight is multiplied by the number of new cases filed per category. Attached are the findings of the study.

According to the Administrative Office of the Courts (AOC), the Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered both the need as determined by the Weighted Caseload Study as well as additional narrative and testimonial information. AOC states the Weighted Caseload Study for judges reflects a total need for 23 new judgeships and that the judiciary is requesting the twelve most critically needed judgeships in FY 06 prioritized into a two tier system. Tier one consists of one Bernalillo County Metropolitan Court Judge, two magistrate court judges located in the Santa Fe and San Juan Counties, and three district court judges located in the Second, Ninth, and Eleventh Judicial Districts. Tier two consists of two magistrate judges located in the Sandoval and McKinley Counties, one Bernalillo County Metropolitan Court Judge, and three district court judges located in the Eleventh, Thirteenth and Second Judicial Districts.

The results of the Weighted Caseload Study for this judgeship request are attached. The Ninth Judicial District Court currently has 3 judges and the weighted caseload study indicates that the court actually needs approximately 2 additional judgeships.

### **PERFORMANCE IMPLICATIONS**

AOC reports that FY05 is the second year that the courts are participating in performance based budgeting. This bill may have an impact on: cases disposed as a percent of cases filed, percent change in case filings by case type, and clearance rate

If this judge hears criminal cases, the Public Defender asserts that the courtroom would need to be staffed by the Public Defender Department and the district attorney to handle the cases.

The approval of this bill will add an additional District judge and support staff thus allowing more cases to be heard in a timely manner and will help keep dockets from backing up. However, without additional resources to the District Attorney's office it will be difficult to meet the demands created by the new judgeship.

### **FISCAL IMPLICATIONS**

The appropriation of \$312.4 contained in this bill is an expense to the general fund; According to the AOC, \$277.0 thousand would be recurring funds and \$35.4 thousand in one-time expenditure; this is not specified in the bill however. Any unexpended or unencumbered balance remaining at the end of 2006 shall revert to the general fund.

The Public Defender (PD) points out that there is no appropriation included in the proposed bill for the Public Defender Department or the district attorney and that the number of criminal cases the new judge will hear would determine the fiscal impact.

The Administrative Office of District Attorneys (AODA) asserts that the proposed new judgeship will create an additional workload for the DAs office but the bill does not contain an appropriation for an additional attorney, and equipment that would be necessary to handle the work.

### **ADMINISTRATIVE IMPLICATIONS**

According to the PD and AODA, an additional judge without resources for the DA or the PDD will put further stress on the criminal justice system in the 9<sup>th</sup> Judicial District.

The AOC asserts that the primary long-term administrative effect on the court, upon passage of this bill, would be more efficient and expeditious disposal of cases.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 379 relates to other bills proposing to increase the number of judgeships at certain courts: SB 26, Additional Guadalupe District Magistrate, HB 476 Additional Santa Fe Magistrate Judge, SB 25, Additional 4<sup>th</sup> District Judge.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

According to the AOC, if Senate Bill 397 does not pass, there is a possibility of having an overload in the District court and having cases dismissed due to time limits. The agency also cites less efficient and less expeditious disposal of cases and court administration.

If this bill is not passed there will likely be another proposed judgeship bill including a proposed Ninth District Judge.

EM/yr

Attachment

ATTACHMENT

| Judge and Staff Need for District Courts and Metropolitan Court for FY 06   |   |                       |  |                                    |
|---|---|-----------------------|--|------------------------------------|
| Agency  | Judges/Hearing Officers                                       |                       |  |                                    |
|   | Judge Need <sup>1</sup><br>(based on weighted caseload study) | Current Actual Judges | Hearing Officers/Special Masters <sup>2</sup> (at 66% of judge weight) | Gap (negative number denotes need) |
| First Judicial District   | 8.72  | 7.00                  | 1.33   | (0.39)                             |
| Second Judicial District  | 29.82   | 23.00                 | 4.66   | (2.16)                             |
| Third Judicial District   | 8.30  | 7.00                  | 0.66   | (0.64)                             |
| Fourth Judicial District  | 2.58  | 2.00                  | 0.34   | (0.24)                             |
| Fifth Judicial District   | 10.25   | 8.00                  | 0.00   | (2.25)                             |
| Sixth Judicial District   | 3.86  | 3.00                  | 0.00   | (0.86)                             |
| Seventh Judicial District   | 3.22  | 3.00                  | 0.66   | 0.44                               |
| Eighth Judicial District  | 2.82  | 2.00                  | 1.00   | 0.18                               |
| Ninth Judicial District   | 5.53  | 3.00                  | 0.54   | (1.99)                             |
| Tenth Judicial District   | 1.22  | 1.00                  | 0.11   | (0.11)                             |
| Eleventh Judicial District  | 9.66  | 6.00                  | 0.66   | (3.00)                             |
| Twelfth Judicial District   | 4.56  | 4.00                  | 0.66   | 0.10                               |
| Thirteenth Judicial District  | 8.55  | 6.00                  | 1.33   | (1.22)                             |
|   |   |                       |  |                                    |
| DISTRICT POSITIONS NEEDED <sup>4</sup> :  |   |                       |  | 12                                 |
|   |   |                       |  |                                    |
| Bernalillo County Metropolitan Court  | 18.68   | 16.00                 |  | (2.68)                             |
| <sup>1</sup> Weighted Caseload Study for judges revisited in 1998 by NM AOC and Heidi Green, National Center for State Courts   |   |                       |  |                                    |
| <sup>2</sup> Court Administrators provided information based on:<br>- if hearing officer/special master is shared with another district, FTE time was estimated<br><br>- hearing officers/special masters given credit of .66 of a district judge as authorized by Chief Judges Council on May 21, 2004 |   |                       |  |                                    |
| <sup>4</sup> Total Positions Needed (.5 or greater need rounded to the next whole number.)  |   |                       |  |                                    |